

**CITY COUNCIL  
ATLANTA, GEORGIA**

**CITY COUNCIL  
ATLANTA, GEORGIA**

**05-0-0841**

**AN ORDINANCE  
BY COUNCILMEMBER CLAIR MULLER**

**AN ORDINANCE TO PROVIDE FOR THE ANNEXATION  
OF LAND TO THE CORPORATE LIMITS OF THE CITY  
OF ATLANTA, GEORGIA; TO PROVIDE FOR THE  
NOTIFICATION OF THE DEPARTMENT OF  
COMMUNITY AFFAIRS OF THE STATE OF GEORGIA  
OF SUCH ANNEXATION; AND FOR OTHER PURPOSES**

**WHEREAS**, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property consisting of .70 acres, more or less, as more fully described and delineated in Exhibits "A" and "B" attached hereto (the "Property"); and

**WHEREAS**, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

**WHEREAS**, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of Fulton County, Georgia; and

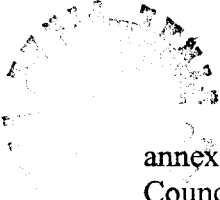
**WHEREAS**, the requirements in O.C.G.A. § 36-66-4(d) governing procedures for the zoning of land to be annexed into a municipality have been satisfied; and

**WHEREAS**, the zoning classification approved by the City of Atlanta for the property which is the subject of the proposed annexation shall become effective on the later date of the date of the zoning is approved by the City of Atlanta or the date that the annexation becomes effective as required by O.C.G.A. § 36-36-2; and

**WHEREAS**, the City of Atlanta has lawfully provided notice to Fulton County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the Property; and

**WHEREAS**, all issues between the City of Atlanta and Fulton County regarding the annexation have been resolved prior to the adoption of this ordinance; and

**WHEREAS**, the City of Atlanta has held a public hearing regarding the Application and the Council's consideration thereof and has complied with all other applicable laws, ordinances, and agreements with respect to the processing of the Application; and



**WHEREAS**, the City of Atlanta has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the Property would be in the best interest of the residents and property owners of the areas to be annexed and of the citizens of the City of Atlanta; and

**WHEREAS**, any proposed annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

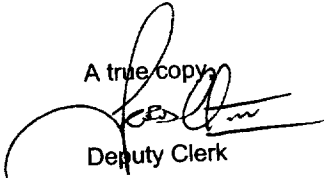
**WHEREAS**, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 *et seq.*; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

- Section 1.** The Property is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 2.** There is hereby filed, as part of this Ordinance and identified as Exhibits "A" and "B", a survey and legal description of the annexed land.
- Section 3.** The Municipal Clerk is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 4.** The Municipal Clerk is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.
- Section 5.** The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 6.** All Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out

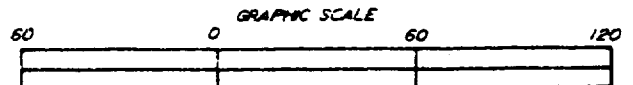
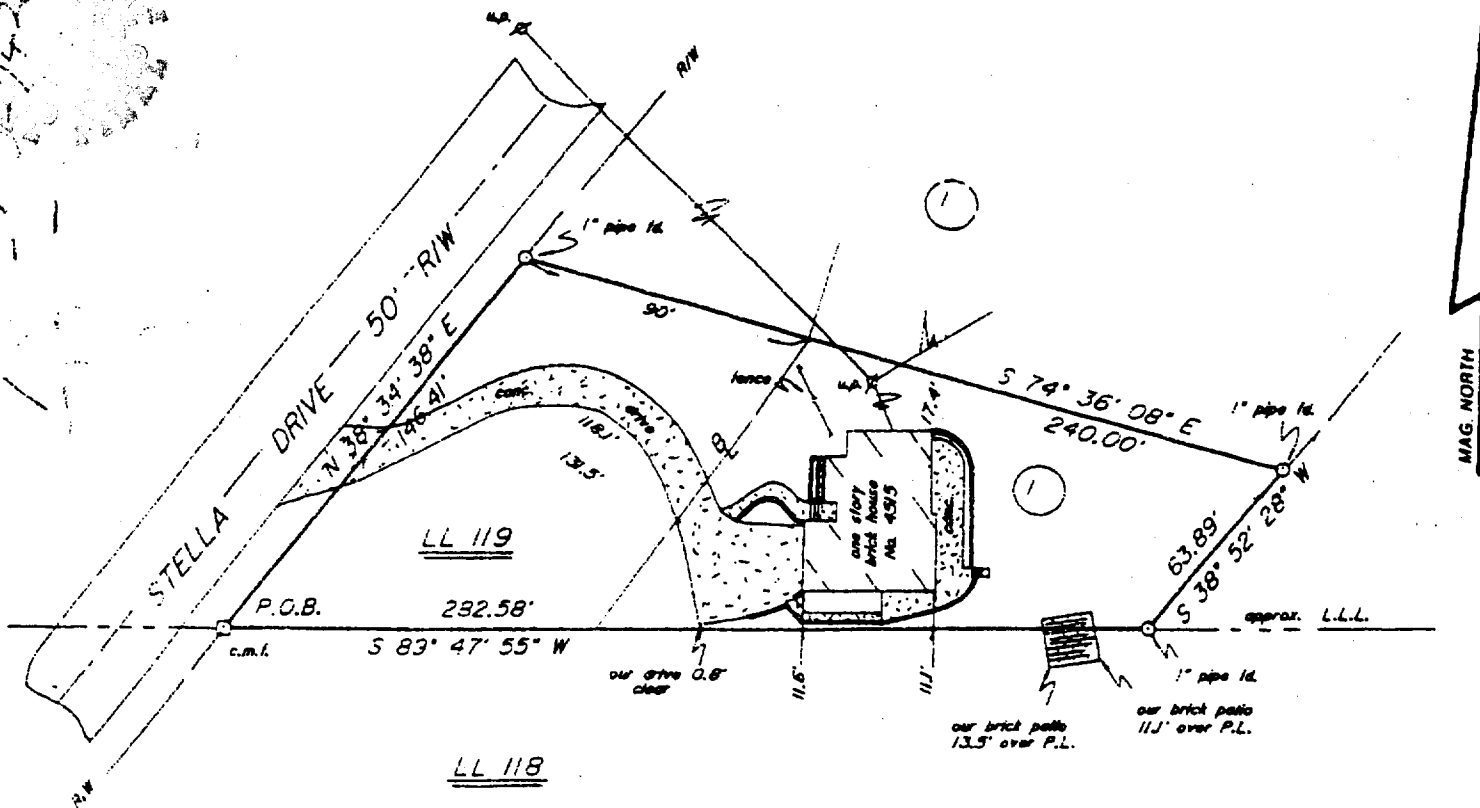


the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

A true copy  
  
Deputy Clerk

**ADOPTED by the Council**  
**APPROVED by the Mayor**

May 16, 2005  
May 23, 2005



BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD  
BOUNDARY MAPS FURNISHED BY THE DEPT. OF H.U.B. THROUGH  
THE FEDERAL INSURANCE ADMINISTRATION, IT IS MY OPINION  
THAT THE PROPERTY SHOWN HEREON IS OUTSIDE  
OF THE FLOOD HAZARD AREA

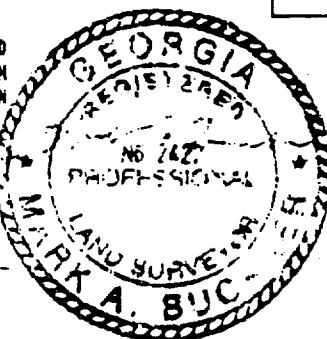
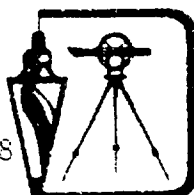
SURVEY FOR: HIRSH, MICHELE GLAZER

LAND LOT 119  
17TH DISTRICT --- SECTION  
FULTON COUNTY

MR. & MRS. J.E. BUTTERWORTH  
LOT PART OF 1 BLOCK --- UNIT 1 SEC --- PLAT BOOK 32 PAGE 52

SCALE 1" = 60'

DATE JANUARY 16, 1998



*Pearson & Associates, Inc.*  
ENGINEERING • LAND SURVEYING • ENVIRONMENTAL SERVICE  
SITE PLANNING • DEVELOPMENT • CONSTRUCTION LAYOUT  
WETLAND DELINEATION  
531 FOREST PARKWAY • SUITE 200  
FOREST PARK, GEORGIA 30080  
(404) 388-7715  
(404) 388-0813 TELE-COMER

MARK A. BUCKNER  
REGISTERED LAND SURVEYOR  
JDN  
DRAWN BY

THE FIELD DATA UPON WHICH THIS PLAT IS  
BASED HAS A CLOSURE PRECISION OF ONE  
FOOT IN 12,300 FEET AND AN  
ANGULAR ERROR OF 21 PER ANGULAR  
POINT AND WAS ADJUSTED USING LEAST SQUARES.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE  
AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT  
IN 12,300 FEET

EQUIPMENT UTILIZED ANGULAR AND LINEAR TOPCON  
STS 2-0.

LOCATION & DESCRIPTION OF EASEMENTS AND UTILITIES  
TAKEN GRAPHICALLY FROM RECORDED SUBDIVISION PLAT  
WHERE APPLICABLE.

DO NOT USE HOUSE TO PROPERTY LINE DISTANCE OR  
PLACES FOR PROPERTY LINE LOCATION.

ALL MATTERS OF TITLE EXCEPTED. SUBDIVISION PHASE ---

**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 119 of the 17th District, Fulton County, Georgia, and being part of Lot 1 of the Subdivision of Property of Mr. and Mrs. J. E. Butterworth, Unit 1, as per plat recorded in Plat Book 32, Page 52, Fulton County records, and being more particularly described as follows:

Beginning at a point marked by an iron pin on the Southeasterly side of Stella Drive where the Southeasterly side of Stella Drive intersects the South Line of said Land Lot 119; running thence Northeasterly along the Southeasterly side of Stella Drive 145 Feet to an iron pin; thence Southeasterly 240.2 feet to an iron pin on the East Line of Lot 1 (recorded Plat show this distance to be 240 ft) however, by survey for Harold L. Dash, Surveyor, dated September 19, 1958, this distance is shown to be stated above); running thence Southwesterly along the East line of said Lot 1 64 feet to an iron pin on the South Line of said Land Lot 119; thence West along the South Line of said Land Lot 119 281.7 feet to an iron pin on the Southeasterly side of Stella Drive and the Point of Beginning (recorded plat shows this distance to be 282 feet; however, by survey of Harold L. Dash, surveyor, dated September 29, 1958, this distance is shown to be as stated above); being improved property known as 4515 Stella Drive, N.W.

Deed Book 29863 Pg. 368  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

RCS# 6692  
5/16/05  
2:54 PM

Atlanta City Council

Regular Session

05-0-0841

ANNEXATION OF LAND TO CORPORATE LIMITS  
NOTIFY DEPT COMM AFFAIRS STATE OF GA  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

05-0-0841

05-0-0841

(Do Not Write Above This Line)

AN ORDINANCE  
BY COUNCIL MEMBER  
CLAIR MULLER

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF LAND TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA; TO PROVIDE FOR THE NOTIFICATION OF THE DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF GEORGIA OF SUCH ANNEXATION; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 16 2005

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 05/02/05

Referred To: Finance/Spec

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

F.N. Committee for C

Date 5-11-05

Chair

Action

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members

Refer To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members

Refer To \_\_\_\_\_

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members

Refer To \_\_\_\_\_

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members

Refer To \_\_\_\_\_

CERTIFIED

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings  
☐ Consent ☐ V Vote ☒ RC Vote

MAY 16 2005

RECEIVED  
MAY 16 2005  
MUNICIPAL CLERK

MAYOR'S ACTION

*Handwritten signature*

Public Hearing Held 5/10/2005